

**March 2004**

**Dear Citizens of the State of Indiana:**

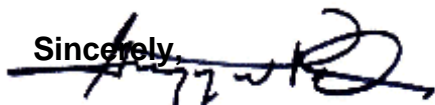
**Welcome to our second edition of the Indiana Black Legislative Caucus, Inc. Legislative Booklet for the Second Regular Session of the 113<sup>th</sup> Indiana General Assembly. It is truly an honor and privilege to provide you with the most up-to-date information on the Indiana State Government. We, as a caucus, believe that the citizens of this state play a vital role in shaping our state government. And with the involvement of our constituents, we as elected lawmakers have been able to take your thoughts and concerns into making the quality of life in Indiana the best in the nation.**

**The Indiana Black Legislative Caucus publishes two booklets, Indiana Black Legislative Caucus, Inc. State Brochure and the Indiana Black Legislative Caucus State Information Booklet. These booklets were created to give citizens the opportunity to learn more about the government of Indiana and to become involved in the policy making process. The Indiana Black Legislative Caucus, Inc. State Brochure provides information on the current members of the Indiana Black Legislative Caucus and the history of the organization. The Indiana Black Legislative Caucus State Information booklet contains information on various state agencies and provides methods to contact elected officials throughout Indiana.**

**Thank you picking up a copy of the Indiana Black Legislative Caucus, Inc. State Brochure and I hope it will be a benefit to you and your family. If you have any further questions or concerns, please feel free to contact the office of the Indiana Black Legislative Caucus at (317) 232-9646 or (317) 232-9995.**

**Enjoy Indiana!**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Gregory W. Porter", written over a horizontal line.

**Gregory W. Porter, Chairman  
Indiana Black Legislative Caucus, Inc.**

## Engrossed House Bills

### House Bill 1001: Property taxes. Author - Rep. William Crawford

Authorizes investment of state funds, including the common school fund, in certain obligations of the Indiana bond bank. Authorizes the department of local government finance (DLGF) to take over the 2003 general reassessment process (including the equalization study) in a county if the county's equalization study was not submitted to the department before October 20, 2003 or if DLGF determines that the county's reassessment is likely to be inaccurate. Requires the property tax liability payable in 2006 and thereafter on residential rental properties that have more than 4 rental units to be computed using the lowest assessed valuation determined by applying each of the following appraisal techniques: (1) cost approach; (2) sales comparison approach; and (3) income capitalization approach. Provides that the gross rent multiplier method is the preferred method for valuing rental properties that have fewer than 5 rental units and mobile homes. Provides that after December 31, 2004, the sales disclosure forms and data forwarded by local assessors to DLGF and the legislative services agency must be provided in electronic format. Provides that money in the assessment training fund may be used to cover expenses incurred by DLGF for training and examination programs. With respect to property taxes payable on homesteads, and upon petition of the county fiscal body, the county auditor, and the county treasurer, authorizes DLGF to: (1) establish a schedule of installment payments for taxes payable in 2004 or thereafter; or (2) waive late payment penalties for taxes payable in 2004. For property taxes and special benefits taxes payable after 2003 and based on the most recent general reassessment, adjusts maximum rates that were not adjusted for taxes payable in 2003. Provides for an adjustment of the maximum rate each time an annual assessed value adjustment or a general reassessment takes effect. Eliminates the banking of unused levy allowances in calculating the maximum permissible property tax levy for a civil taxing unit and for certain funds. Eliminates authority to adjust assessed values to reflect the effects of appeals of assessments. Provides that the initial step in the appeal of a property assessment is a written request by the taxpayer for a preliminary conference with a county or township assessing official. Provides that the written request need not be on a DLGF form. Notwithstanding a property assessment agreed to by the township assessor and the taxpayer in resolution of an appeal to the county property tax assessment board of appeals, permits the board to determine its own assessment under its authority to assess property for the current year. Eliminates the requirement for a taxpayer to file a claim for refund after a successful assessment appeal. Eliminates the property tax appeal provision that permits local units to reallocate CAGIT property tax replacement

credits for a purpose other than property tax relief. Permits a civil taxing unit or school corporation to file a property tax appeal before December 31 (instead of September 20) for relief from a shortfall resulting from the use of erroneous assessed values or the payment of refunds. Provides for deposit in a taxing unit's levy excess fund of property tax collections in excess of 100% (instead of 102%) of the unit's levy. Requires the state board of accounts to design a standard form of the petition that is used to initiate the petition and remonstrance procedure. Provides that the petition requires the signatures of the lesser of 100 or 5% of the property owners in the political subdivision (instead of 250 or 10%). Prohibits a political subdivision (including a school corporation) from taking certain actions to promote a position on a petition for or remonstrance against a bond issue or lease. Prohibits a person from soliciting or collecting signatures for a petition or remonstrance on property owned by a political subdivision. With respect to the review of budgets and levies of taxing units that have a governing body comprised primarily of appointed members and propose to increase their property tax levies by more than 5%, adds library districts to the entities subject to review and authorizes reduction of the proposed levy to an amount that is less than the maximum permissible levy. Allows counties to issue provisional tax statements if the abstract is not delivered in a timely manner. Authorizes DLGF to waive the provisional tax statement requirement under certain circumstances. Provides that county assessors, township assessors, and trustee assessors who do not meet certain certification requirements forfeit their offices. Requires DLGF to give the examinations for certification in an open book format. Increases the cap on the income tax deduction for property taxes paid on a principal place of residence for homeowners who pay property taxes imposed for the March 1, 2002 or January 15, 2003 assessment dates in 2004. Legalizes and validates any action taken by DLGF before January 1, 2004, to extend the deadline for filing an assessment appeal to the county, to allow the payment of property taxes in installments, or to waive a late payment penalty. Permits an individual who was eligible for but did not apply for a homestead credit or certain property tax deductions for taxes payable in 2004 to apply on or before December 15, 2003. Requires DLGF to study the feasibility of creating uniform and common computer software programs for property tax assessment purposes, including computer software programs that allow the sharing and transfer of assessment data in a uniform format by the state and all counties. Allows, for the assessment dates in 2003 and 2004, an appeal of a real property assessment that is filed within 45 days after a taxpayer receives the tax statement based on the assessment for the preceding year. Requires, for property taxes payable on homesteads in 2004, DLGF to provide each county treasurer with the wording of a statement of the amount by which the property taxes in the county were reduced by actions of the general assembly to mitigate the effects of the general reassessment. Requires the county treasurer to include the statement with each tax statement mailed or otherwise transmitted. Requires the commission on state tax and financing policy to study elimination of property

taxes and alternative sources of revenue.

**House Bill 1018: Anatomical gift promotion fund.** Sponsor - Sen. Billie Breaux

Requires quarterly distribution of the money in the anatomical gift promotion fund to the Indiana Donation Alliance Foundation (IDAF) for the purpose of implementing an organ, tissue and marrow registry and to promote organ, tissue and marrow donation. Requires the IDAF to submit an annual report, including a list of expenditures, to the legislative council, the senate health committee, and the house public health committee. Requires the IDAF to notify the chairs of the legislative standing committees dealing with health issues if the IDAF loses its nonprofit status or ceases its affiliation with certain organizations. Requires the chairs of the legislative standing committees dealing with health issues to recommend to the state department of health whether to continue distributions from the anatomical gift promotion fund to the IDAF. Extends the expiration date of the fund from June 30, 2004, to July 1, 2007.

**House Bill 1029: Child support withholding from tax refunds.** Co-Author - Rep. Carolene Mays; Co-Sponsor - Sen. Glenn Howard

Provides that a custodial parent in a non-Title IV-D case may bring an action to recover delinquent child support by intercepting the child support obligor's state income tax refund.

**House Bill 1042: Charity gaming proceeds.** Co-Author - Rep. Vanessa Summers

Provides that certain additional entities are eligible to receive mandated donations of charity gaming proceeds from a donor organization that derives more than 90% of its gross receipts from charity gaming. Allows certain veterans' homes to receive mandated donations from a bona fide veterans' organization.

**House Bill 1044: Trafficking tobacco products with an inmate.** Author - Rep. Vernon Smith; Co-Author - Rep. Carolene Mays

Imposes a mandatory five thousand dollar (\$5,000) fine for trafficking with an inmate by an employee of the department of correction or a penal facility and the trafficked item is a tobacco product. (The introduced version of this bill was prepared by the interim study committee on juvenile law and corrections issues.)

**House Bill 1055: State and local administration. Author - Rep. Carolene Mays**

**Grants a youth baseball and softball organization an additional period in which to file an application for a property tax exemption. Provides that a taxpayer that is otherwise entitled to a community revitalization enhancement district ("district") tax credit may claim the credit regardless of whether any incremental income or sales taxes have been deposited in the incremental tax financing fund established for the district or have been allocated to the district. Provides that a district must terminate not later than 15 years after incremental income or sales taxes are first allocated to the district. Provides that if the budget agency fails to act on an ordinance or a resolution designating a district within 120 days, the ordinance or resolution is considered approved. Permits an advisory commission on industrial development or the executive of a municipality or county to petition the budget agency for permission to modify the boundaries of a district. Establishes a procedure and criteria for appealing a decision by the department of state revenue that a taxpayer is not eligible for the community revitalization enhancement district tax credit because the taxpayer's business relocated operations into the district from another location in Indiana. Provides that the Randolph County council may impose a county economic development income tax at a rate of 0.25% to finance the construction, acquisition, renovation, and equipping of the county courthouse. Allows certain taxpayers to retroactively claim missed property tax exemptions. Allows certain taxpayers to file an amended personal property tax return for the 2001 assessment date.**

**House Bill 1080: Indiana business purchasing preferences. Author - Rep. Carolene Mays; Sponsor - Sen. Billie Breaux**

**Provides a price preference to Indiana businesses for public works and procurement contracts awarded by the state. Provides that the preference ranges from 1% to 5%, depending on the estimated cost of the purchase. Provides that this preference does not apply to the detriment of a business from a state bordering Indiana, if the bordering state does not provide purchasing preferences to its businesses more favorable than preferences provided to Indiana businesses by Indiana law. Requires a business claiming the preference to provide certain information to substantiate that the business is an Indiana business. Requires the department of administration to submit a report to the legislative council relating to the operation of the preference not later than September 1, 2008. Provides for expiration of the preference on July 1, 2009. Provides that if a governmental body adopts a retaliatory purchasing preference, the preference may not apply to the detriment of the businesses of a bordering state if the bordering state does not provide purchasing preferences to its businesses more favorable than preferences provided to Indiana businesses by**

**Indiana law. Provides that to be considered responsible, an offeror for a purchase by the state that is required to register with the secretary of state must have registered at least 45 days before the solicitation for the purchase is issued.**

**House Bill 1082: Missing children clearinghouse. Sponsor - Sen. Earline Rogers**

**Requires a review of entries in the missing children clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC).**

**House Bill 1102: Department of transportation subcontractors. Author - Rep. Earl Harris; Co-Sponsor - Sen. Glenn Howard**

**Requires a subcontractor of a contractor for the department of transportation to meet certain qualifications if the subcontract amount exceeds \$300,000 (increased from \$100,000).**

**House Bill 1132: Expenses of meeting child care requirements. Co-Author - Rep. William Crawford; Co-Sponsor - Sen. Glenn Howard**

**Amends certain child care statutes to specify that expenses of criminal history and drug testing requirements are not paid by the state. (The introduced version of this bill was prepared by the board for coordination of child care regulation.)**

**House Bill 1133: Hepatitis B. Co-Author - Rep. Charlie Brown; Sponsor - Sen. Billie Breaux**

**Requires every child who enters grade 9 and grade 12 to be immunized against hepatitis B until July 1, 2008. Prohibits the prevention of a child from enrolling in, attending, or graduating high school for the sole reason that the child was not immunized against hepatitis B.**

**House Bill 1135: Institutional funds. Co-Author - Rep. Gregory Porter; Co-Sponsor - Sen. Glenn Howard**

**Provides that recreation funds established in state psychiatric, benevolent, penal, and correctional institutions may also be used for the acquisition of educational materials and for purposes that assist in rehabilitation.**

**House Bill 1171: Stroke prevention task force: Author - Rep. Charlie Brown; Sponsor - Sen. Earline Rogers; Co-Sponsor - Sen. Glenn Howard; Co-Sponsor - Sen. Samuel Smith**

**Establishes the stroke prevention task force to develop stroke prevention initiatives. Requires the task force to submit an annual report. (The introduced version of this bill was prepared by the commission on excellence in health care.)**

**House Bill 1178: Volunteer advocates for seniors and guardians. Co-Sponsor - Sen. Earline Rogers**

**Permits a court to appoint a volunteer advocate for seniors ("volunteer") to represent and protect for a limited period the interests of an incapacitated or protected person who is at least 55 years of age. Requires a volunteer to report to the court and make recommendations regarding the incapacitated or protected person. Provides civil immunity for a volunteer, a volunteer advocate for seniors program, and a guardian.**

**House Bill 1194: Child abuse reporting. Co-Author - Rep. Vanessa Summers; Co-Sponsor - Sen. Billie Breaux; Co-Sponsor - Sen. Glenn Howard**

**Provides that a child protective services child abuse or neglect report may conclude that abuse or neglect is indicated. (Current law allows only substantiated and unsubstantiated findings.) Provides that criminal history checks are required of certain individuals. Requires the local child protection service to provide training to caseworkers concerning the statutory and constitutional rights of persons subject to investigation. Establishes the statewide child fatality review team to investigate fatalities involving children. Requires the disclosure of information relevant to establishing the facts and circumstances concerning the death of a child determined to be the result of abuse, abandonment, or neglect if this information has been redacted by a juvenile court to exclude irrelevant information, including identifying information. Specifies that information concerning caseworkers and employees of certain social service agencies is not to be redacted. Provides that the juvenile court has 30 days to redact the record. Permits a court to place a child in the home of a person having a substantiated report of abuse or neglect, or in the home of a person who has committed certain crimes or delinquent acts, only if the court makes a written finding that the placement is in the best interest of the child, and that the conviction, adjudication, or substantiated report is not relevant to the person's present ability to care for a child, and specifies certain factors that the court must consider in its order. Prohibits a court from placing a child in a home with a**

person who has committed certain other specified felonies or juvenile offenses.

**House Bill 1197: Admissibility of videotape of protected persons.** Author - Rep. Mae Dickinson; Co-Author - Rep. Gregory Porter

Expands the class of criminal cases in which an individual's statement or videotape may be admissible to include certain crimes committed against an individual who is at least 18 years of age and considered a protected person because of the individual's incapacity to manage or direct the management of the individual's property or to provide or direct the provision of the individual's self care . Provides that a statement or videotape made by the protected person is admissible in certain criminal trials if: (1) the statement or videotape is reliable; and (2) the individual either testifies at trial or is unavailable.

**House Bill 1200: Domestic violence fatality review team.** Co-Sponsor - Sen. Glenn Howard

Permits a coroner or deputy coroner to serve on a local domestic violence fatality review team. Requires a team to review a death resulting from domestic violence if the person who caused the death is deceased or is charged with a crime that results in certain types of final judgment. (Current law requires a team review only when the person is charged with a crime resulting in a final judgment of conviction.) Makes the testimony of a local domestic violence fatality review team member or a report, record, or recommendation of a team inadmissible in a criminal or civil proceeding or a disciplinary action by a state agency or municipal corporation if the testimony or the report, record, or recommendation concerns the investigation of a death that the team has reviewed.

**House Bill 1218: Barrett Law assessment collection deferment.** Author - Rep. Vanessa Summers; Sponsor - Sen. Billie Breaux

Adds sanitary sewers as an improvement that may be financed by a municipality by use of the Barrett Law. For purposes of the Barrett Law applicable to municipalities, allows a municipal fiscal officer and municipal works board to establish procedures allowing the municipality to defer collection of a special assessment that is in default by preserving the assessment as a lien upon the property subject to the assessment. Requires the collection of the preserved lien: (1) when ownership of the property is transferred; and (2) before the final bond maturity date. Provides that deferred assessments are treated similarly to delinquent property taxes. (Under current law, an assessment in default must be



collected through: (1) payment in full; (2) foreclosure on the property; or (3) a conveyance in satisfaction of the assessment.) Makes a technical correction.

**House Bill 1229: Restricts certain lending acts and practices.** Co-Author - Rep. William Crawford; Co-Sponsor - Sen. Billie Breaux; Co-Sponsor - Sen. Glenn Howard

Establishes the homeowner protection unit in the office of the attorney general. Provides enforcement procedures for deceptive mortgage acts. Establishes a \$3 mortgage recording fee. Requires the department of commerce to provide home ownership education programs. Provides that certain provisions do not apply to certain financial institutions. Prohibits certain lending practices. Updates references in financial institutions law to conform with federal law. Permits a state chartered financial institution to engage in activities related to a product, a service, or an investment that is available to or offered by national banks domiciled in Indiana. Removes limitations on the amount of public funds that may be deposited in a credit union. (Currently, deposits of public funds are limited to 10% of total credit union assets.) Increases the minimum amount of the bond required for a money transmitter from \$100,000 to \$200,000 and the maximum amount from \$200,000 to \$300,000. Increases the insurance coverage required for a money transmitter for criminal or dishonest acts from 50% to 100% of the amount of the money transmitter's security bond or deposit. Provides that state law applies to a state chartered bank, trust company, savings association, savings bank, credit union, corporate fiduciary, or industrial loan and investment company to the same extent it applies to a federally chartered institution of the same type. Establishes administrative procedures governing requests for an exemption from state law due to the preemption of state law as it is applied to federally chartered institutions. Makes various changes in the small loan provisions of the Uniform Consumer Credit Code, including: (1) defines a small loan as a loan with a principal amount that is more than \$50 and not more than \$500; (2) prohibits the renewal of a small loan; (3) removes limitations on finance charges; (4) increases delinquency charges; (5) allows a small loan to be secured by a borrower's authorization to debit an account instead of a borrower's check; (6) increases civil penalties and statutory damages from \$1,000 to \$2,000; and (7) prohibits a small loan if the total payable amount of the small loan exceeds 15% of the borrower's monthly gross income. (Current law provides that a small loan is prohibited if it exceeds 20% of the borrower's monthly net income.) Repeals provisions that relate to the renewal of a small loan. Permits the secretary of state to administratively dissolve a business entity whose name contains the term "banc" or "banco" in violation of financial institutions law. (Current law allows the secretary of state to take this action in the case of an entity whose name contains the term "bank".) Permits the use of the word "bank", "banc", or "banco" in the

name of a subsidiary of : (1) a bank or trust company; (2) a bank holding company; (3) a savings bank; and (4) a savings association. Prohibits a lender from requiring a borrower to obtain hazard insurance in an amount exceeding the replacement value of the improvements on mortgaged property as a condition of receiving or maintaining the mortgage. Voids provisions in an agreement to purchase a security that would waive compliance with securities law or a rule or order made under securities law. Provides a procedure for an issuer of securities to respond to comments regarding an application for registration made by the securities division. Permits the appointment of a securities division attorney to serve as a special deputy prosecutor in actions arising under securities law. Prohibits the issuance of an interpretive opinions by the securities commissioner concerning an activity that occurred before or is occurring on the date that the opinion is requested. Requires that notice and opportunity to be heard must be provided to a person accused of violating securities law, rather than requiring that a hearing occur as provided by current law. Prohibits various deceptive practices by a person that supplies information concerning securities. Provides that an administrative action under securities law survives the death of a person who might have been a respondent. Makes changes to definitions used in the loan broker statutes. Exempts persons engaged in certain federally regulated transactions from the requirements of the loan broker law.

**House Bill 1251: Medications.** Co-Author - Rep. Charlie Brown; Co-Sponsor - Sen. Glenn Howard

Allows a pharmacy or pharmacist to donate medication to certain health clinics. Establishes the regional drug repository program to distribute donated drugs. Requires a health facility to return certain unused medication to the pharmacy that dispensed the medication. Allows a pharmacy or pharmacist to accept returned medication from a hospice program. Requires the office of Medicaid policy and planning (office) to review the process of returning unused medication. Expands protocols concerning the adjustment of a patient's drug regimen to nursing homes. Sets forth requirements for protocols used in nursing homes and requires quarterly review of protocols. Requires the prescription drug advisory committee to make recommendations concerning changes to the Indiana prescription drug program's drug benefit. Removes a provision prohibiting the committee from recommending the use of funds from the prescription drug account for a state prescription drug benefit if a federal program provides a similar benefit. Extends the existence of the prescription drug advisory committee until December 31, 2006. Makes a technical correction by repealing two different versions of a non-code provision and makes changes to the provisions. Repeals a provision requiring a provider to report to the office any rebates, discounts, and other price concessions that the provider receives.

**House Bill 1266: Internet based public purchasing. Co-Sponsor - Sen. Glenn Howard**

**Authorizes the department of administration to establish Internet sites designed to facilitate state public purchasing. Requires the department of administration to establish rules and fees for the use of Internet purchasing sites in cooperation with the intelenet commission and the state board of accounts. Permits a purchasing agency to conduct online reverse auctions for purchases of supplies. Establishes procedures governing the conduct of an online reverse auction.**

**House Bill 1308: Cultural competency in education. Author - Rep. Gregory Porter; Co-Author - Rep. Vernon Smith; Sponsor - Sen. Earline Rogers; Co-Sponsor - Sen. Billie Breaux**

**Defines "cultural competency" and sets forth teacher training, professional development, and school plan requirements for achieving cultural competency.**

**House Bill 1320: Human services. Co-Author - Rep. William Crawford**

**Provides that the maximum appropriation and tax levy for community mental health centers must be annually recalculated based on the increase in the assessed value growth quotient. Authorizes the office of Medicaid policy and planning to implement alternative payment methodologies for payable claim payments to a hospital under certain circumstances. Separates the laws governing the funding of community mental health centers from the laws governing the funding of community mental retardation and other developmental disabilities centers. Repeals a provision that duplicates other provisions added to the same chapter. Allows the state department of health to disclose inpatient and outpatient discharge information to hospitals that have submitted the information. Allows a hospital trade association to disclose health record information received under certain circumstances. Changes a retrieval charge to a labor charge for providing copies of medical records. Eliminates a provision under which a hospital was allowed 180 days to respond to a notice that the hospital was overpaid by the Medicaid program. Makes hospitals subject to the general provision allowing 60 days for a response. Provides alternative options to the nursing facility assessment state plan amendment and waiver request and amends the expiration of the nursing facility quality assessment. Requires the select joint commission on Medicaid oversight to study certain effects resulting from the repeal of continuous eligibility under the Indiana Medicaid program and the children's health insurance program. Requires the state budget committee to**

review disproportionate share payments for community mental health centers and make recommendations to the general assembly. Makes a technical correction.

**House Bill 1330: Detention period of runaway juveniles.** Sponsor - Sen. Earline Rogers

Increases the time a runaway child may be held in a juvenile detention facility to 24 hours before and 24 hours immediately after the child's initial court appearance.

**House Bill 1345: Officeholders' leaves of absence for military service.** Co-Sponsor - Sen. Billie Breaux; Co-Sponsor - Sen. Glenn Howard

Establishes a procedure for a person holding a state, legislative, local, or school board office to take a leave of absence when called into active military service and for the appointment of a person to temporarily perform the officeholder's duties during the leave.

**House Bill 1350: Commission on health care interpreters and translators:** Author - Rep. John Aguilera; Co-Sponsor - Sen. Billie Breaux

Creates the commission on health care interpreters and translators, to be staffed by the state department of health. Requires the commission to report specified findings and recommendations to the health finance commission not later than November 1, 2004.

**House Bill 1360: Various election law matters.** Co-author - Rep. Mae Dickinson; Sponsor - Sen. Billie Breaux

Provides the following after December 31, 2004: (1) That an appointed member of a county election board or a board of elections and registration may not be a member of a candidate's committee. (2) That a circuit court clerk may not be a member of a candidate's committee other than the clerk's own candidate's committee. Provides that materials generated by a party convention or caucus to nominate candidates are the political party's property. Provides that a withdrawal of a declaration of candidacy must be filed not later than three days after the deadline for filing the declaration of candidacy. Provides that a poll clerk may make a record of individuals who have signed the poll list and make that list available to a watcher or pollbook holder. Makes changes in the standards for the eligibility of delegates to a town convention. Makes changes relating to deadlines

for a committee to file its statement of organization, the printing of candidate names on the ballot, and holding primaries when candidates are unopposed. Makes various technical changes in statutes relating to voter registration. Provides that the legislative body of a small town may adopt an ordinance to provide for town elections to be held in any year in which a general or a municipal election is held. Requires a political party that nominates all its candidates for local office by convention to nominate those candidates not later than noon on the date major party candidates are required to fill a candidate vacancy. Provides for the questioning of the validity of the nomination of the candidates and for the withdrawal of the candidates. Requires the department of correction to inform a discharged criminal offender in writing of the person's right to register to vote and to provide the criminal offender with a copy of the state voter's bill of rights.

**House Bill 1401: Public officer compensation. Sponsor - Sen. Earline Rogers**

Establishes the public officers compensation advisory commission to make recommendations to the general assembly regarding the salaries to be paid to public officers. Provides that recommended increases in salaries may not exceed changes in the Indiana non-farm income. Provides that for purposes of computing a retirement benefit for a person who is a member of the Indiana state teachers' retirement fund and who takes an unpaid leave of absence to serve in an elected position: (1) "annual compensation" includes the total amount that was not paid to the member but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position; and (2) the "average of the annual compensation" means the annual compensation for the one year of service in which the member's annual compensation was highest. Provides health care adjustments (similar to those made to executive branch employees) to members of the judicial branch. Establishes a judicial insurance adjustment fee of \$1 to be collected in certain civil actions and in certain criminal, infraction, and ordinance violation actions. Provides that the costs of the health care adjustments for judicial branch members be paid from the judicial health adjustment fee.

**House Bill 1434: Micro-enterprise program and STAR account: Author - Rep. William Crawford; Co-Author - Rep. John Aguilera; Sponsor - Sen. Glenn Howard**

Conference committee report to EHB1434. Requires the Indiana economic development council to establish a Micro-enterprise partnership program to provide grants to community based or nonprofit organizations for the purpose of providing business development services and loans to businesses with fewer than five employees. Transfers responsibilities for the enterprise development

program and the small and minority business financial assistance program to the Indiana economic development council. Renames the enterprise development fund as the Micro-enterprise partnership program fund. Creates the state technology advancement and retention (STAR) account to advance technology and retain graduates in Indiana by funding certain grant programs.

**House Bill 1435: Airport authority boards.** Co-Sponsor - Sen. Billie Breaux

Increases the size of the Indianapolis Airport Authority board from seven to eight voting members. Provides that the mayor of Indianapolis appoints the additional member. Adds a nonvoting advisory member to the board who is from a county located not more than 1200 feet from the Indianapolis International Airport.

**House Bill 1436: Women and minority businesses.** Author - Rep. William Crawford; Sponsor - Sen. Billie Breaux; Co-Sponsor - Sen. Glenn Howard

Provides that standards developed and a certification made under the minority business enterprise law apply to standards and certifications for minority business enterprises and women's business enterprises under any other Indiana law. Makes changes in definitions in the minority business enterprise law. Makes conforming changes in the river boat gambling law. Specifies that river boat owners must annually file information regarding contracts with minority and women's businesses and specifies that this information is not confidential under the public records laws. Provides that personal financial information or confidential business information need not be disclosed. Requires each state agency, separate body corporate and politic, and state educational institution to analyze of the use of minority businesses, small businesses and women owned business enterprises in the contracting done by the agency, separate body, or educational institution.

**House Bill 1437: Corrections.** Author - Rep. William Crawford; Sponsor - Sen. Glenn Howard

Creates a forensic diversion program to provide community treatment and mental health and addiction services for offenders suffering from mental illness or addictive disorders who have not been charged or convicted of a violent crime. Requires a county having a community corrections advisory board to formulate a forensic diversion plan, and permits a county without a community corrections advisory board to establish a forensic diversion advisory board to operate a forensic diversion program. Offenders eligible for the program who have been

charged with a non-violent misdemeanor or D felony that can be reduced to a misdemeanor are required to plead guilty before participating in the program. Persons already convicted of a crime that is not a violent crime or a drug dealing offense may participate in the program as a condition of probation. Specifies that offenders convicted of certain crimes may not participate in the forensic diversion plan. Establishes a forensic diversion study committee. Requires the department of correction to determine the average daily cost of incarceration and the anticipated future costs of incarceration. Requires each county sheriff to provide the department of correction with the average daily cost of incarceration in a county jail. Repeals the existing forensic diversion program. Establishes a judicial administration fee and requires court clerks to semiannually distribute to the auditor of state for deposit in the state general fund 100% of the judicial administration fee collected. Increases the amount transferred semi-annually for deposit into the public defense fund from \$1,200,000 to \$1,700,000 in FY05 and \$2,200,000 in following state fiscal years. Provides a range of dates under which a person is eligible for release to a community transition program, permits persons convicted of murder to participate in the program, and makes other changes. Requires training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities for law enforcement personnel, jail officers, probation officers, and correctional officers. Changes the designation of time of community restitution or service for a person convicted of operating a vehicle while intoxicated (OWI) from days to hours. Provides that a school is entitled to receive juvenile court records for a student of the school under certain circumstances. Provides immunity for improper disclosures of education records made in good faith. Allows a court to order restitution payments that are a condition of probation to be paid to a probation department that must forward the restitution payments to a victim, victim's family, or victim's estate. Provides that for purposes of the battery by bodily waste statute, an individual employed by certain courts is a "corrections officer."

**House Bill 1438: Economic development.** Co-Author - Rep. Earl Harris; Co-Sponsor - Sen. Earline Rogers

Establishes the enterprise zone study commission. Changes the appointing authority for the board of the Indiana economic development corporation. Specifies that the governor appoints all of the members of the board. Specifies that the governor shall: (1) consider the recommendations of legislative leaders in making four of the appointments; and (2) consider the recommendations of state university presidents in making seven of the appointments.

## Engrossed Senate Bills

### Senate Bill 0001: Property taxes. Sponsor - Rep. William Crawford

Authorizes investment of state funds, including the common school fund, in certain obligations of the Indiana bond bank. Authorizes the department of local government finance (DLGF) to take over the 2003 general reassessment process (including the equalization study) in a county if the county's equalization study was not submitted to the department before October 20, 2003 or if DLGF determines that the county's reassessment is likely to be inaccurate. Requires the property tax liability payable in 2006 and thereafter on residential rental properties that have more than 4 rental units to be computed using the lowest assessed valuation determined by applying each of the following appraisal techniques: (1) cost approach; (2) sales comparison approach; and (3) income capitalization approach. Provides that the gross rent multiplier method is the preferred method for valuing rental properties that have fewer than 5 rental units and mobile homes. Provides that after December 31, 2004, the sales disclosure forms and data forwarded by local assessors to DLGF and the legislative services agency must be provided in electronic format. Provides that money in the assessment training fund may be used to cover expenses incurred by DLGF for training and examination programs. With respect to property taxes payable on homesteads, and upon petition of the county fiscal body, the county auditor, and the county treasurer, authorizes DLGF to: (1) establish a schedule of installment payments for taxes payable in 2004 or thereafter; or (2) waive late payment penalties for taxes payable in 2004. For property taxes and special benefits taxes payable after 2003 and based on the most recent general reassessment, adjusts maximum rates that were not adjusted for taxes payable in 2003. Provides for an adjustment of the maximum rate each time an annual assessed value adjustment or a general reassessment takes effect. Eliminates the banking of unused levy allowances in calculating the maximum permissible property tax levy for a civil taxing unit and for certain funds. Eliminates authority to adjust assessed values to reflect the effects of appeals of assessments. Provides that the initial step in the appeal of a property assessment is a written request by the taxpayer for a preliminary conference with a county or township assessing official. Provides that the written request need not be on a DLGF form. Notwithstanding a property assessment agreed to by the township assessor and the taxpayer in resolution of an appeal to the county property tax assessment board of appeals, permits the board to determine its own assessment under its authority to assess property for the current year. Eliminates the requirement for a taxpayer to file a claim for refund after a successful assessment appeal. Eliminates the property tax appeal provision that permits local units to reallocate CAGIT property tax replacement credits for a purpose other than property tax relief. Provides for deposit in a taxing



unit's levy excess fund of property tax collections in excess of 100% (instead of 102%) of the unit's levy. Requires the state board of accounts to design a standard form of the petition that is used to initiate the petition and remonstrance procedure. Provides that the petition requires the signatures of the lesser of 100 or 5% of the property owners in the political subdivision (instead of 250 or 10%). Prohibits a political subdivision (including a school corporation) from taking certain actions to promote a position on a petition for or remonstrance against a bond issue or lease. Prohibits a person from soliciting or collecting signatures for a petition or remonstrance on property owned by a political subdivision. With respect to the review of budgets and levies of taxing units that have a governing body comprised primarily of appointed members and propose to increase their property tax levies by more than 5%, adds library districts to the entities subject to review and authorizes reduction of the proposed levy to an amount that is less than the maximum permissible levy. Allows counties to issue provisional tax statements if the abstract is not delivered in a timely manner. Authorizes DLGF to waive the provisional tax statement requirement under certain circumstances. Provides that county assessors, township assessors, and trustee assessors who do not meet certain certification requirements forfeit their offices. Requires DLGF to give the examinations for certification in an open book format. Increases the cap on the income tax deduction for property taxes paid on a principal place of residence for homeowners who pay property taxes imposed for the March 1, 2002 or January 15, 2003 assessment dates in 2004. Legalizes and validates any action taken by DLGF before January 1, 2004, to extend the deadline for filing an assessment appeal to the county, to allow the payment of property taxes in installments, or to waive a late payment penalty. Permits an individual who was eligible for but did not apply for a homestead credit or certain property tax deductions for taxes payable in 2004 to apply before December 15, 2003. Requires DLGF to study the feasibility of creating uniform and common computer software programs for property tax assessment purposes, including computer software programs that allow the sharing and transfer of assessment data in a uniform format by the state and all counties. Allows, for the assessment years 2002, 2003, and 2004, an appeal of a real property assessment that is filed within 45 days after a taxpayer receives the notice of change in assessment or the related tax bill, whichever occurs first, to apply to the taxes imposed for that assessment date and payable in the next year even if the appeal is filed after May 10 of the assessment year. Requires, for property taxes payable on homesteads in 2004, DLGF to provide each county treasurer with the wording of a statement of the amount by which the property taxes in the county were reduced by actions of the general assembly to mitigate the effects of the general reassessment. Requires the county treasurer to include the statement with each tax statement mailed or otherwise transmitted. Requires the commission on state tax and financing policy to study elimination of property taxes and alternative sources of revenue.

**Senate Bill 0036: Ballot language for constitutional amendments. Co-Author - Sen. Billie Breaux**

Establishes the ballot language for the submission of three amendments to the Constitution of the State of Indiana concerning: (1) the exemption of certain property from taxation; (2) uniform start dates for terms for county constitutional officers; and (3) the general assembly's election of a governor and the temporary exercise of the governor's duties and powers when the offices of the governor and lieutenant governor are vacant. (The introduced version of this bill was prepared by the code revision commission.)

**Senate Bills 0041: Home health care and hospice services council. Co-Author - Sen. Glenn Howard; Sponsor - Rep. Charlie Brown**

Creates the home health care services and hospice services council. Provides that the state department of health shall pay the council's expenses. Allows the council to propose rules and act as an advisory body.

**Senate Bills 0042: Chronic disease management and registry. Sponsor - Rep. Charlie Brown**

Removes exemption of the risk-based managed care program from the disease management program. Allows the state department of health to add chronic diseases to the chronic disease registry by administrative rule. Adds public and private third party payers as: (1) persons to be used by the office of Medicaid policy and planning in implementing a disease management program; and (2) persons that may report chronic disease cases for the chronic disease registry. (The introduced version of this bill was prepared by the select joint commission on Medicaid oversight.)

**Senate Bills 0106: Technical corrections. Co-Author - Sen. Samuel Smith**

Corrects a number of technical problems in the Indiana Code and in non-code provisions.

**Senate Bill 0133: Psychiatric advance directives. Co-Author - Sen. Billie Breaux; Sponsor - Rep. Charlie Brown**

Allows certain individuals to execute a psychiatric advance directive. Sets forth

requirements for a psychiatric advance directive. Provides immunity for a person who violates a psychiatric advance directive for certain reasons. Specifies that a physician is not precluded from treating the patient in a manner that is in the best interest of the patient or another individual. Provides that a health care representative may act in accordance with a psychiatric advance directive. (The introduced version of this bill was prepared by the commission on mental health.)

**Senate Bill 0188: Birth problems registry and cancer registry.** Co-Author - Sen. Billie Breaux; Sponsor - Rep. William Crawford

Allows the state department of health to record certain nonmalignant tumors and diseases in the cancer registry. Requires ambulatory outpatient surgical centers and health facilities to report to the cancer registry. Changes the date by which the state department must publish an annual report to December 31. Includes pervasive developmental disorders and fetal alcohol spectrum disorders as birth problems and requires these disorders to be recorded in the birth problems registry if recognized in a child before the child is five years of age. Changes the age at which a birth problem may be recognized and recorded in the birth problems registry for other disorders until the child is three years of age.

**Senate Bill 0296: Property tax deductions.** Co-Author - Sen. Billie Breaux

Increases certain property tax deductions by 108%. Applies to the following deductions: elderly; blind or disabled; wartime service disabled; disabled veteran; surviving spouse of a WWI veteran; WWI veteran; residential property rehabilitation; historic property rehabilitation; and residentially distressed area property rehabilitation.

**Senate Bill 0363: Council for people with disabilities.** Co-Author - Sen. Glenn Howard; Co-Sponsor - Rep. Mae Dickinson

Creates the governor's council for people with disabilities and the board of directors of the council to implement the federal Developmental Disabilities Assistance and Bill of Rights act. (The council and board of directors are currently created by executive order.)

**Senate Bill 0449: CHOICE program.** Sponsor - Rep. Charlie Brown

Allows the health finance commission to study the implementation of long term

care services. Requires the office of family and social services to present a report to the health finance commission.

## **IBLC Legislation Presented for the 113<sup>th</sup> Session of the Indiana General Assembly**

### **House Bills**

#### **House Bill 1008: Local taxation. Co-Author - Rep. John Aguilera**

Authorizes a fiscal body of a city, town, or county to impose an additional income tax. Requires at least 75% of the revenue to be used for property tax relief. Requires the property tax relief to be in addition to local property tax relief provided from other revenue sources.

#### **House Bill 1014: Childhood obesity. Author - Rep. Charlie Brown; Sponsor - Sen. Earline Rogers; Co-Sponsor - Sen. Billie Breaux**

Requires the department of education to develop: (1) recommendations for school corporation nutritional policies and curricula; and (2) model policies for the measurement of student body mass indexes. Prohibits vending machines at elementary schools from being accessible to students. Requires that healthy foods and beverages account for 50% of the food and beverage sales in middle and high schools. Requires school corporations to adopt nutritional integrity policies. Requires 30 minutes of daily physical activity for elementary school students in public schools. Allows a school to continue a vending machine contract in existence before April 1, 2004. (The introduced version of this bill was prepared by the commission on excellence in health care.)

#### **House Bill 1022: Minimum wage. Sponsor - Sen. Earline Rogers**

Increases Indiana's minimum hourly wage to \$5.65 on September 1, 2004, and to \$6.15 on March 1, 2005.

#### **House Bill 1028: Review of privatization savings. Author - Rep. Mae Dickinson**

**Provides that a contract or solicitation for a contract to privatize any of the functions performed by a governmental body's employees that would result in the layoff or dismissal of any of those employees must: (1) require an offeror to provide verifiable evidence that the cost of the contract will be less than the cost of having the functions performed by the governmental body's employees; (2) specify that the governmental body may not pay the contractor more than the cost the governmental body determined the governmental body would incur to perform the functions using its own employees; (3) require the governmental body to provide to an offeror an estimate of the cost of having the functions performed by the governmental body's employees; and (4) contain a statement that the governmental body may pursue certain remedies if the contractor fails to comply with the contract. Permits a representative of any group of the governmental body's employees to submit an offer for the group to perform the functions and requires the governmental body to award the contract to the group of employees under certain circumstances. Excludes from these requirements purchases from qualified nonprofit agencies for persons with severe disabilities.**

**House Bill 1056: Domestic violence and dissolution of marriage. Author - Rep. Carolene Mays**

**Provides that in a dissolution of marriage or legal separation, a court may order an individual to pay certain expenses to the spouse if the court determines in a hearing that the individual committed domestic or family violence against the spouse.**

**House Bill 1061: Statute of limitations. Author - Rep. Mae Dickinson**

**Provides that a civil action based on an allegation of childhood sexual abuse must be brought within 2 years of the discovery of the cause of action, but before the child becomes 31 years of age.**

**House Bill 1071: Massage regulation. Co-Sponsor - Sen. Billie Breaux**

**Establishes a board of massage therapy to license massage therapists. Specifies licensure requirements. Establishes guidelines for the licensing by endorsement of a massage therapist who holds a license in another state. Establishes penalties for the unauthorized practice of massage therapy.**

**House Bill 1074: Parking with former prisoner of war plates. Co-Author - Rep. John Aguilera**

Provides that a person issued a former prisoner of war license plate may not be charged: (1) a fee for parking the vehicle displaying the license plate in a metered space; or (2) a penalty for parking the vehicle displaying the license plate in a metered space for longer than the time permitted.

**House Bill 1083: Urban mass transportation. Sponsor - Sen. Billie Breaux**

Establishes the interim study committee on urban mass transportation.

**House Bill 1105: Physician and nurse continuing education. Co-Author - Rep. Charlie Brown; Sponsor - Sen. Billie Breaux**

Requires the medical licensing board and the board of nursing to adopt rules requiring physicians and nurses to report on license renewal forms any continuing education hours completed during the license renewal period. Allows for random audits to verify continuing education hours.

**House Bill 1152: Clerk of the supreme court. Sponsor - Sen. Billie Breaux**

Provides for the clerk of the supreme court to be appointed by the court rather than elected. Repeals an election law provision concerning residency of a candidate for office of clerk of the supreme court.

**House Bill 1163: Arbitration in family law. Author - Rep. Vanessa Summers**

Requires arbitration in family law arbitration cases to be irrevocable. Provides the procedures for family law arbitration cases.

**House Bill 1188: Pull tabs. Co-Author - Rep. Vanessa Summers; Co-Sponsor - Sen. Billie Breaux**

Authorizes the sale of parimutuel pull tabs at race tracks and satellite facilities in Fort Wayne and Indianapolis. Imposes a wagering tax of 33%. Provides for tax distributions within Madison County and Shelby County. Requires permit holders

to execute financial agreements with the respective cities in order to operate a satellite facility with pull tabs in Fort Wayne and Indianapolis. Provides funding to horsemen with a promotion fee charged to the permit holders. Provides for revenue sharing. Establishes the state pull tab wagering fund, the local capital projects fund, the education reserve fund, and the minority and women business participation fund. Makes other changes concerning race tracks and satellite facilities.

**House Bill 1232: Age discrimination.** Author - Rep. Vernon Smith; Co-Sponsor - Sen. Earline Rogers

Transfers jurisdiction over age discrimination proceedings from the commissioner of labor to the civil rights commission. Prohibits certain actions by an employer, a labor organization, or an employment agency relating to discrimination against an individual at least 40 years of age. Provides exemptions.

**House Bill 1234: Early learning study commission.** Co-Author - Rep. Gregory Porter; Co-Sponsor - Sen. Earline Rogers

Establishes a study commission to develop information needed by the department of education to implement optional full day kindergarten and other early learning programs. Sets forth topics for the commission to consider. Requires the commission to make its report before December 1, 2004.

**House Bill 1282: RTA food and beverage tax.** Author - Rep. John Aguilera; Sponsor - Sen. Earline Rogers

Authorizes a county that has established a regional transportation authority (RTA) to impose a 1% food and beverage tax to fund the authority. Restricts the use of the revenue to providing new and improved public surface and rail transportation services. Requires a unit in a county imposing the tax to continue its current level of financial support of public surface and rail transportation services after the tax is imposed.

**House Bill 1284: Electronic devices and road signals.** Author - Rep. John Aguilera

Provides that a person may not use a device to alter the lighting sequence of a

traffic control signal, unless the person is a public safety officer responding to an emergency or an authorized technician who is installing, testing, or repairing a traffic control signal. Prohibits the sale of such devices to a non-governmental entity. Provides that a person who illegally sells or uses a device to alter the sequence of a traffic control signal commits a Class A misdemeanor.

**House Bill 1296: Mental health. Co-Sponsor - Sen. Billie Breaux**

Provides that a third party who contracts with the division of mental health and addiction (division) may: (1) provide competency restoration services; and (2) initiate a regular commitment proceeding. Provides that a psychologist or psychiatrist appointed in a competency hearing may not be an employee or a contractor at a state institution. Allows the department of mental health to provide competency restoration services to an inmate at a department of correction facility. Separates the laws governing the funding of community mental health centers from the laws governing the funding of community mental retardation and other developmental disabilities centers. Changes the formula under which counties fund community mental health centers located outside Marion County. Repeals a provision that duplicates other provisions added to the same chapter.

**House Bill 1425: Temporary teacher contracts. Co-Author - Rep. Gregory Porter**

Provides that a temporary teacher's contract must be used under certain circumstances.

**Senate Bills**

**Senate Bill 0003: Repeal of sales tax on free hotel rooms. Sponsor - Rep. Carolene Mays**

Repeals the sales tax on complimentary hotel rooms.

**Senate Bill 0004: Award of state contracts. Co-Sponsor - Rep. Mae Dickinson; Co-Sponsor - Rep. Carolene Mays**

Requires the state's procurement practices to be supportive of retention and



creation of jobs in Indiana. Provides that a contract or solicitation for a contract to privatize any of the functions performed by a governmental body's employees that would result in the layoff or dismissal of any of those employees must: (1) require an offeror to provide verifiable evidence that the cost of the contract will be less than the cost of having the functions performed by the governmental body's employees; (2) specify that the governmental body may not pay the contractor more than the cost the governmental body determined the governmental body would incur to perform the functions using its own employees; (3) require the governmental body to provide to an offeror an estimate of the cost of having the functions performed by the governmental body's employees; and (4) contain a statement that the governmental body may pursue certain remedies if the contractor fails to comply with the contract. Permits a representative of any group of the governmental body's employees to submit an offer for the group to perform the functions and requires the governmental body to award the contract to the group of employees under certain circumstances. Excludes from these requirements purchases from qualified nonprofit agencies for persons with severe disabilities.

**Senate Bill 0029: Childhood obesity. Sponsor - Rep. Charlie Brown**

Requires the department of education to develop: (1) recommendations for school corporation nutritional policies and curricula; and (2) model policies for the measurement of student body mass indexes. Prohibits vending machines at elementary schools from being accessible to students. Requires that healthy foods and beverages account for 50% of the food and beverage sales in middle and high schools. Requires school corporations to adopt nutritional integrity policies. Requires 30 minutes of daily physical activity for elementary school students in public schools. Allows a school to continue a vending machine contract in existence before April 1, 2004.

**Senate Bill 0040: Motor vehicle restraint systems. Sponsor - Rep. Charlie Brown**

Requires every occupant of a motor vehicle to wear a safety belt, with certain exceptions. Removes conflicting language in the passenger restraint system law that was declared invalid by the Indiana supreme court. Provides that the operator of a motor vehicle commits a Class D infraction if a passenger in the motor vehicle is less than 12 years of age and is not restrained by a child passenger restraint system or safety belt. Repeals a similar provision in current law that applies only to passenger motor vehicles.

**Senate Bill 0046: Parenting time. Co-Author - Sen. Billie Breaux; Sponsor - Rep. Vanessa Summers**

**Replaces references to "visitation" with "parenting time" in parental custody statutes. Provides that a prosecuting attorney or private attorney in a Title IVD case is not required to litigate a matter relating to parenting time or parenting time credit. (The introduced version of this bill was prepared by the child custody and support advisory committee.)**

**Senate Bill 0070: Provider reporting of discounts and rebates. Sponsor - Rep. William Crawford; Co-Sponsor - Rep. Charlie Brown**

**Repeals a provision requiring a provider to report to the office of Medicaid policy and planning any rebates, discounts, and other price concessions that the provider receives.**

**Senate Bill 0071: Various election law matters. Author - Sen. Billie Breaux**

**Makes several changes in election law concerning: (1) the definition of "chute"; (2) municipal election expenses; (3) the eligibility of individuals to serve as precinct election officers, members of absentee voter boards, absentee ballot counters, and couriers; (4) training of precinct election officers; (5) the rights of watchers; (6) voter registration; (7) the nomination of candidates; (8) political party devices; (9) the withdrawal of candidates; (10) holding municipal elections; (11) the location of precinct polls; (12) persons permitted to be in the polls; (13) jurisdiction of the state recount commission; (14) criminal statutes relating to distribution of slates and electioneering; and (15) school corporation referendum levies. (The introduced version of this bill was prepared by the census data advisory committee.)**

**Senate Bill 0093: Clerk of the supreme court. Co-Author - Sen. Billie Breaux**

**Provides for the clerk of the supreme court to be appointed by the court rather than elected. Repeals a residency requirement for candidates for office of clerk of the supreme court.**

**Senate Bill 0100: Native American affairs commission. Co-Sponsor - Rep. William Crawford**

**Establishes the Native American Indian affairs commission. Authorizes the commission to recommend final disposition of Native American Indian human remains that have been removed from a burial site. Requires the commission to study problems common to Native American Indians in the areas of employment, education, civil rights, health, and housing. Authorizes the commission to make certain recommendations. (The introduced version of this bill was prepared by the natural resources study committee.)**

**Senate Bill 0104: Student suspensions and expulsions. Author - Sen. Earline Rogers; Sponsor - Rep. Gregory Porter**

**Requires schools to report the reasons for student suspensions and expulsions to the department of education. Authorizes an agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a school corporation. Provides that the court shall either supervise the student or order the supervision of the student. Provides that the court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court. Provides that the school corporation and the court shall determine how the costs of supervising a student under the agreement shall be paid. Allows the school corporation to disclose the education records of a student who has been suspended or expelled to a court. (The introduced version of this bill was prepared by the interim study committee on educational achievement issues.)**

**Senate Bill 0113: Distribution of unused drugs. Co-Author - Sen. Billie Breaux**

**Allows a pharmacy or pharmacist to donate medication to certain health clinics. Establishes the regional drug repository program to distribute donated drugs. Requires a health facility to return certain unused medication to the pharmacy that dispensed the medication. Allows a pharmacy or pharmacist to accept returned medication from a hospice program. Requires the office of Medicaid policy and planning to review the process of returning unused medication.**

**Senate Bill 0115: Arbitration in family law. Sponsor - Rep. Vanessa Summers**

**Requires arbitration in family law arbitration cases to be irrevocable. Provides the procedures for family law arbitration cases.**

**Senate Bill 0132: Absentee ballots and vote fraud. Sponsor - Rep. Vernon Smith**

**Provides that the Lake County circuit court clerk, rather than the director of the board of elections and registration performs all the duties of the circuit court clerk relating to absentee ballots. Provides that if a person is convicted of a vote fraud crime, the sentencing court must order the termination of the person's public employment if the person is a public employee and must prohibit the person's public employment for five years.**

**Senate Bill 0139: Forensic diversion program. Co-Author - Sen. Glenn Howard; Co-Sponsor - Rep. William Crawford**

**Repeals the forensic diversion program and requires the forensic diversion study committee to study community based treatment instead of incarceration for offenders who have a mental illness or an addictive disorder. Creates the forensic diversion test program for counties that previously operated a forensic diversion program. Permits certain offenders with a mental illness or addictive disorder to receive treatment in lieu of incarceration if the offender has not committed a violent offense or a drug dealing offense. Permits the execution of non-suspendible sentences to be stayed while an offender is participating in the test program, and allows the sentence to be waived if the offender successfully completes the program. Requires the test program to be administered by a judge. Makes other changes.**

**Senate Bill 0154: Operating a vehicle while intoxicated. Co-Author Sen. Glenn Howard**

**Makes the offense of operating a motor vehicle while intoxicated as a Class A misdemeanor a Class D felony if: (1) at least one passenger is less than 18 years of age; and (2) the driver is at least 21 years of age. Prevents persons who have been convicted of certain offenses involving operating a motor vehicle while intoxicated from obtaining a probationary license. Increases or establishes mandatory jail time for persons convicted of committing certain offenses involving operating a motor vehicle while intoxicated. Provides that certain persons convicted of OWI must receive assessments for alcohol and drug abuse. Requires a person convicted of OWI causing death to receive a non-suspendible sentence if the person had a controlled substance in the blood, or a BAC greater than .15%. Specifies that a court is required to suspend the driver's license or vehicle registration of a person convicted of committing certain controlled substance offenses only if the court finds that a vehicle was used in the commission of the offense.**

**Senate Bill 0155: Budget and levy review in Marion County. Sponsor - Rep. Carolene Mays**

**Requires the city-county council in Marion County to review the proposed operating and maintenance budgets and tax levies of certain entities and to adopt final operating and maintenance budgets and tax levies for those entities. Authorizes the city-county council to reduce or modify but not increase an entity's proposed operating and maintenance budget or tax levy.**

**Senate Bill 0161: Health matters. Sponsor - Rep. Charlie Brown**

**Eliminates a provision under which a hospital was allowed 180 days to respond to a notice that the hospital was overpaid by the Medicaid program. Makes hospitals subject to the general provision allowing 60 days for a response. Provides that certain Medicaid providers who have been overpaid do not owe the state interest. Provides that a third party who contracts with the division of mental health and addiction (division) may: (1) provide competency restoration services; and (2) initiate a regular commitment proceeding. Requires a defendant committed to the division who subsequently attains competency to be immediately returned to the court for trial unless the provider of restoration services files a petition objecting to the immediate return. Provides that a psychologist or psychiatrist appointed in a competency hearing may not be an employee or a contractor at a state institution. Prohibits certain provisions in health provider reimbursement agreements.**

**Senate Bill 0165: Environmental crimes task force. Co-Author - Sen. Glenn Howard**

**Establishes the environmental crimes task force to study the appropriate class of criminal violation that should be assigned to each type of environmental crime. Requires the task force to file a final report before November 1, 2006.**

**Senate Bill 0180: Community revitalization enhancement districts. Co-Author - Sen. Glenn Howard**

**Provides that a taxpayer that is otherwise entitled to a community revitalization enhancement district ("district") tax credit may claim the credit regardless of whether any incremental income or sales taxes have been deposited in the incremental tax financing fund established for the district or have been allocated to the district. Provides that a district must terminate not later than 15 years after**

incremental income or sales taxes are first allocated to the district. Provides that if the budget agency fails to act on an ordinance or a resolution designating a district within 120 days, the ordinance or resolution is considered approved. Permits an advisory commission on industrial development or the executive of a municipality or county to petition the budget agency for permission to modify the boundaries of a district. Establishes a procedure and criteria for appealing a decision by the department of state revenue that a taxpayer is not eligible for the community revitalization enhancement district tax credit (CRED) because the taxpayer's business relocated operations into the district from another location in Indiana.

**Senate Bill 0191: Graduation rate determination.** Sponsor - Rep. Gregory Porter

Specifies certain additional groups of students who are not included in determining a school's graduation rate.

**Senate Bill 0202: Wage payment issues.** Author - Sen. Glenn Howard; Co-Sponsor - Rep. Carolene Mays

Provides a procedure for an employer to deduct amounts due to the employer from an employee from unpaid wages due to the employee. Exempts employees who are classified as exempt under the federal Fair Labor Standards Act from the state provisions concerning wage payment. Permits a wage assignment for the payment of uniforms, the payment of tools and equipment, or tuition repayment. Establishes a fee for issuing a replacement payroll check in certain circumstances. Repeals and relocates a provision making it a Class C infraction for an employer to sell merchandise or supplies to an employee for a price higher than the price the merchandise or supplies are sold to the public. Repeals a provision requiring an employer to pay employees in commercial paper. Repeals a duplicate provision concerning frequency of wage payments to employees. Repeals an obsolete provision concerning liens of laborers.

**Senate Bill 0210: Qualification of assessing personnel.** Sponsor - Rep. William Crawford

Requires the county assessor to perform the duties of a trustee assessor related to the assessment of real property if the trustee assessor fails to attain a required assessor appraiser certification. Allows the county fiscal body to adjust appropriations to reflect the change in duties. Prohibits a trustee assessor who has not attained a "level two" assessor appraiser certification from seeking

another term until the certification is obtained. Allows a person who fills a vacancy in the office of trustee appraiser when the remaining length of the term is less than two years to have two years after appointment or selection to obtain a "level two" certification.

**Senate Bill 0213: Reciprocity for dentists. Sponsor - Rep. Charlie Brown**

Decreases the period of out-of-state practice required of a dentist applying for a license by reciprocity from five of the preceding nine years to two of the preceding three years.

**Senate Bill 0216: Procurement of banking services. Sponsor - Rep. Earl Harris**

Provides that the office of the treasurer of state is the purchasing agency for banking services for the state. Requires the treasurer of state to use the purchasing power of the state to limit the amount of fees the state pays for banking services. Provides that the statute covering purchases of services applies to purchases of banking services for the state.

**Senate Bill 0217: Electronic devices and traffic signals. Co-Author Sen. Glenn Howard**

Provides that a person may not use a device to alter the lighting sequence of a traffic control signal, unless the person is a public safety officer responding to an emergency or a technician installing, testing, or repairing a traffic control signal. Prohibits the sale of such devices to a non-governmental entity. Increases the penalty for use of a counterfeit traffic control device or railroad crossing signal.

**Senate Bill 0231: Bullying. Co-Author - Sen. Earline Rogers; Co-Author - Sen. Glenn Howard; Sponsor - Rep. Gregory Porter**

Defines "bullying" and requires a school corporation to adopt rules to prohibit bullying. Allows the use of grants from the safe schools fund to provide education and training to school personnel concerning bullying, and requires the inclusion of anti-bullying training in school safety specialist education. Requires each school to establish a safe school committee.

**Senate Bill 0247: Publication of tax warrant lists. Sponsor - Rep. William**

## **Crawford**

**Requires the department of state revenue to compile, make public, and publish on the Internet the names and addresses of delinquent taxpayers who have owed more than \$1,000 in taxes and penalties for more than twelve months. Confers immunity on the department for publishing the information. Requires that a notice of intent to publish a name on the Internet be sent to the delinquent taxpayer before the taxpayer's name may be published on the Internet.**

### **Senate Bill 0257: Correction of school funding formula. Sponsor - Rep. William Crawford**

**Provides that: (1) the at-risk index used in calculating 2003 school tuition support must be calculated using 1990 census data; (2) the complexity index used in calculating school tuition support in 2004 and thereafter must be calculated using education attainment data for persons who are at least 25 years of age; (3) the target pupil teacher ratio used to calculate prime time distributions must be calculated using multipliers that equal a number greater than one; (4) the target revenue per ADM of a charter school in its first year of operation is equal to the target revenue per ADM of the school corporation in which the charter school is located; and (5) a school corporation's share of the state appropriation for full day kindergarten is calculated using the total ADM of the participating schools. Allows a school corporation to issue tax anticipation warrants against property tax collections that result from a shortfall appeal. Allows a school corporation that had insufficient data in 2003 to file a shortfall appeal to file the appeal in 2004 for taxes payable in 2005, and to issue tax anticipation warrants against the property tax collections. Authorizes a school corporation to: (1) file an appeal to impose an additional levy to make up a shortfall in property tax collections in a fund other than the school general fund; and (2) increase the corporation's transportation fund levy by the amount by which the state has reduced its transportation distributions to the corporation. Provides that the increase in the transportation fund levy and the shortfall levy are not eligible for property tax replacement credits or homestead credits. Extends the sunset date for issuance of school corporation bonds for retirement or severance liability from December 31, 2004, to December 31, 2006. Provides that a school corporation may not issue such bonds after December 31, 2004, unless the corporation submits to the department of local government finance before January 1, 2005, a proposal concerning the issuance of the bonds to implement solutions for the corporation's retirement or severance liability. Allows a school corporation to issue bonds for that purpose a second time if the first bond issue has been retired and the average annual debt service on the second bond issue does not exceed the average annual debt service on the first bond issue.**



**Senate Bill 0258: No Child Left Behind waiver. Co-Author - Sen Earline Rogers;  
Sponsor - Rep. Gregory Porter**

**Authorizes the department of education to seek waivers from provisions of the federal "No Child Left Behind" statutes that conflict with Indiana school accountability provisions if the United States Department of Education allows states to seek waivers.**

**Senate Bill 0261: Transfer tuition for certain students. Sponsor - Rep. Gregory Porter**

**Provides that a student who is placed in a facility, a home, or an institution may attend school in the school corporation in which the facility, home, or institution is located, and that the state is required to pay transfer tuition for the student if no other person or entity is required to pay the student's transfer tuition.**

**Senate Bill 0264: Property tax replacement study commission. Sponsor - Rep. William Crawford**

**Establishes the property tax replacement study commission to study the elimination of property taxes and alternative sources of revenue.**

**Senate Bill 0268: School principal and superintendent licensing. Sponsor - Rep. Gregory Porter**

**Requires the professional standards board to review licensing requirements for school principals and school corporation superintendents.**

**Senate Bill 0271: Law enforcement training academy - MRDD training. Co-Author - Sen. Earline Rogers**

**Requires training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities for law enforcement personnel, jail officers, probation officers, and correctional officers. Requires that the training be provided by persons approved by the secretary of family and social services and the law enforcement training board. Requires that the commissioner of the department of correction give priority in issuing community**

corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities. (The introduced version of this bill was prepared by the Indiana commission on mental retardation and developmental disabilities and the Indiana commission on mental health.)

**Senate Bill 0272: Closed or partially inactive military bases.** Co-Author - Sen. Glenn Howard

Provides a sales tax exemption a business that locates new operations in certain qualified areas containing a completely or partially inactive or closed military base for sales of utility services or commodities made to the business between June 30, 2004 and July 1, 2006. Provides a military base investment cost credit against state tax liability for a taxpayer who purchases an ownership interest in or otherwise invests in a business located in a qualified area if the military base is completely inactive or closed. Provides that the tax incentives are not available to a business that does not have operations in a qualified area and that substantially reduces or ceases its operations at another location in Indiana in order to relocate them within the qualified area. Indicates that a certified technology park can be created to enhance research and development or testing being done at an active military base.

**Senate Bill 0285: Prescription drug labels.** Sponsor - Rep. Charlie Brown

Provides that a prescription label must include a statement of the purpose or symptom for which the drug is prescribed if the practitioner specifies on the prescription or drug label that the statement is to be included. Provides that a practitioner is not liable for failing to inform a patient that the patient has the option to have the purpose or symptom for which the drug is prescribed on the label. Makes a technical correction.

**Senate Bill 0307: Professional licensing agency.** Co-Author - Sen. Samuel Smith; Co-Sponsor - Rep. Vanessa Summers

Establishes a process for renewing a license or certificate. Provides that a board may request the office of the attorney general to: (1) investigate a prohibited act committed by an applicant; (2) obtain an injunction against a person from acting without a license, registration, or certification. Provides that the professional licensing agency may stagger license or certificate renewal cycles. Provides that certain boards and commissions must establish licensing, renewal, examination,

application, reinstatement, and restoration fees for licenses and certificates. Allows an applicant for registration as a professional engineer who has failed three or more exams to obtain approval from the board to take subsequent exams. Allows the board to issue a registration as a professional engineer to a person who: (1) completes an engineering curriculum and at least three years of work experience; and (2) has been registered or licensed as a professional engineer in another state for at least ten years.

**Senate Bill 0315: Validation of bonds and other obligations.** Sponsor - Rep. William Crawford

Validates bonds, notes, leases, other written obligations, and inter-local cooperation agreements entered into by certain entities before March 15, 2004 (instead of March 15, 2000). Adds swap agreements to the types of obligations that are validated and separate bodies corporate and politic to the types of issuing entities that are covered.

**Senate Bill 0327: Micro-enterprise partnership program.** Sponsor - Rep. William Crawford

Requires the Indiana economic development council to establish a micro-enterprise partnership program to provide grants to community based or nonprofit organizations for the purpose of providing business development services and loans to businesses with fewer than five employees. Transfers responsibilities for the enterprise development program and the small and minority business financial assistance program to the Indiana economic development council. Renames the enterprise development fund as the micro-enterprise partnership program fund.

**Senate Bill 0344: Various tax matters.** Co-Sponsor - Rep. Carolene Mays

Grants a property tax exemptions to nonprofit organizations engaged in the Indiana main street program. Provides that references to the Internal Revenue Code in Indiana law refer to the federal law as in effect on January 1, 2004. Indicates that the law that requires certain bonus depreciation allowed for federal income tax purposes to be added back for state tax purposes applies to the special depreciation allowance for 50-percent bonus depreciation property. Requires that "Section 179 property" deductions in excess of \$25,000 per year that are allowed for federal income tax purposes be added back for state tax purposes. Provides that the Gary civic center board of managers may receive

salaries and a per diem in addition to expense reimbursement. Allows certain taxpayers to retroactively claim missed property tax exemptions.

**Senate Bill 0359: Study of certificate of need and moratorium.** Sponsor - Rep. Charlie Brown

Requires the health finance commission during the 2004 interim to study issues concerning requiring a certificate of need or establishing a moratorium on health care facilities in Indiana.

**Senate Bill 0367: Compulsory school attendance.** Sponsor - Rep. Gregory Porter

Establishes the conditions under which a student who is at least 16 years of age, but less than 18 years of age, may withdraw from school. Provides that a student who has stopped attending school (but has not formally withdrawn) may be denied a driver's license or learner's permit, or may have the license or permit revoked. Sets forth reasons for which a student may be denied an employment certificate. Repeals a provision allowing a child who is at least 14 years of age, but less than 16 years of age, to withdraw from school to work if the child's parent consents to the withdrawal.

**Senate Bill 0374: Bio-fuels.** Co-Author - Sen. Glenn Howard

Requires the use of blended bio-diesel fuel in state vehicles and tractors when feasible.

**Senate Bill 0398: Various election law changes.** Author - Sen. Billie Breaux

Provides that a majority vote (rather than the unanimous vote) of a county election board is sufficient to appoint a precinct election officer when a county chairman has failed to make a nomination. Establishes additional specifications for the statewide voter registration file. Permits the election administration assistance fund to be administered in accordance with amendments to the state's HAVA plan. Provides that, after December 31, 2005, the standards used to determine residency for voters are the same standards that must be used to determine residency for applying for a driver's license. Repeals statutes relating to printing of ballots. Legalizes certain actions taken after deadlines set in statutes enacted in 2003. Makes various changes to election law relating to the following: (1) Voter registration. (2) The statewide voter registration file. (3) Administration of election

law under HAVA. (4) Certification of voting systems.

**Senate Bill 0409: Public defense fund. Co-Sponsor - Rep. William Crawford**

Requires the public defender commission to give priority to certified claims for reimbursement in capital cases. Prorates reimbursement of certified claims in noncapital cases. Establishes a judicial administration fee of \$1 in the period beginning July 1, 2004, and ending June 30, 2005, and \$2 after June 30, 2005. Requires court clerks to semiannually distribute to the auditor of state for deposit in the state general fund 100% of the judicial administration fee collected. Increases the amount transferred semi-annually for deposit into the public defense fund from \$1,200,000 to \$1,700,000 in FY05 and \$2,200,000 in following state fiscal years.

**Senate Bill 0428: Hospital matters. Sponsor - Rep. Charlie Brown**

Provides that records of certain hospitals are not public records. Authorizes the office of Medicaid policy and planning (office) to implement alternative payment methodologies for payable claim payments to a hospital if the office determines that the federal Centers for Medicare and Medicaid Services will not approve the submitted payment methodology. Allows the state department of health (state department) to disclose inpatient and outpatient discharge information to hospitals that have submitted the information. Allows a hospital trade association to disclose health record information received by the association from a provider to the state department to be used for data aggregation. Changes a retrieval charge to a labor charge for providing copies of medical records.

**Senate Bill 0441: Property tax matters. Sponsor - Rep. William Crawford**

Makes various changes concerning property tax assessment, property tax administration, local government finance, and property tax appeals. Authorizes locally funded property tax credits for taxpayers meeting certain criteria.

**Senate Bill 0475: Community transition program and prisoner visitation. Co-Author - Sen. Glenn Howard**

Provides a range of dates under which a person is eligible for release to a community transition program. Provides that a person may be disciplined for refusing to participate in a community transition program. Provides that a person

who is eligible for release to a community transition program may object to the person's placement in the program. Provides that a person convicted of murder may be assigned to a community transition program. Provides that the department of correction may restrict visitation between a person less than 18 years of age and certain incarcerated sex offenders.

**Senate Bill 0497: Aggregate purchasing of prescription drugs.** Co-Author - Sen. Billie Breaux; Co-Sponsor - Rep. Charlie Brown

Requires the state personnel department, with the approval of the budget agency, to establish an aggregate prescription drug purchasing program to negotiate terms related to the purchase of prescription drugs. Requires participation by certain entities and allows participation by certain other entities. Authorizes the state to enter into multi state prescription drug aggregate purchasing agreements. Requires the budget agency to report to the budget committee on participation in a regional or multi-state prescription drug aggregate purchasing program. Requires the prescription drug advisory committee to determine certain changes to the Hoosier Rx program before July 1, 2005, and to report these changes as recommendations to the office of the secretary of family and social services.